

ALLEGED SHIPMENT: On or about July 25, 1950, by Dixie Preserves, Ltd., from Los Angeles, Calif.

PRODUCT: 38 cases, each containing 24 12-ounce jars, of red raspberry jelly at Pocatello, Idaho.

LABEL, IN PART: (Jar) "Dixie Brand Pure Jelly Net Wt. 12 Oz. Red Raspberry."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product deficient in fruit juice had been substituted for red raspberry jelly.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for red raspberry jelly.

DISPOSITION: November 30, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

16782. Adulteration and misbranding of apple butter. U. S. v. 24 Cases * * *. (F. D. C. No. 29362. Sample No. 78429-K.)

LIBEL FILED: June 16, 1950, District of Hawaii.

ALLEGED SHIPMENT: On or about May 25, 1950, by the Pacific Food Products Co., Seattle, Wash.

PRODUCT: 24 cases, each containing 12 27-ounce jars, of apple butter at Honolulu, T. H.

LABEL, IN PART: "Sunny Jim Pure Washington Apple Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product of less than 43 percent soluble solids had been substituted for apple butter.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for apple butter since the soluble-solids content of the article was less than 43 percent.

DISPOSITION: August 17, 1950. The shipper, claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be delivered to charitable institutions.

VEGETABLES

16783. Adulteration of black-eyed peas. U. S. v. 7 Bags * * *. (F. D. C. No. 29751. Sample Nos. 82014-K, 82015-K.)

LIBEL FILED: On or about October 4, 1950, Northern District of Georgia.

ALLEGED SHIPMENT: On or about March 17, 1950, from Crows Landing, Calif.

PRODUCT: 7 100-pound bags of black-eyed peas at Atlanta, Ga.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, insects, insect excreta, and insect webbing; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 2, 1950. Default decree of condemnation. The court ordered that the product be delivered to a Government institution, for use as animal feed.

16784. Misbranding of canned peas. U. S. v. 185 Cases * * *. (F. D. C. No. 29740. Sample No. 74891-K.)

LIBEL FILED: September 19, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about July 17 and 24, 1950, by the Melrose Canning Co., from Melrose, Md.

PRODUCT: 185 cases, each containing 6 No. 10 cans, of peas at New York, N. Y.

LABEL, IN PART: (Can) "Evelyn run of pod Early June Peas Contents 1 Lb. 4 Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned peas since the alcohol-insoluble solids of the peas in the container were more than 23.5 percent, and the label failed to bear the statement that the product was below the standard; and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans were short of the declared weight.)

DISPOSITION: October 30, 1950. Foss-Melnick Sales Co., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Food and Drug Administration.

16785. Misbranding of canned spinach. U. S. v. Kuhn Cannery. Plea of nolo contendere. Fine of \$200, plus costs. (F. D. C. No. 29596. Sample No. 70914-K.)

INFORMATION FILED: July 14, 1950, District of Kansas, against the Kuhn Cannery, a partnership, Bonner Springs, Kans.

ALLEGED SHIPMENT: On or about December 9, 1949, from the State of Kansas into the State of Missouri.

LABEL, IN PART: "Dollie Mae Fancy Spinach."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned spinach since it was not sealed in the container and so processed by heat as to prevent spoilage.

DISPOSITION: November 13, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$200, plus costs.

TOMATOES AND TOMATO PRODUCTS

16786. Adulteration of canned tomatoes. U. S. v. Charles F. McCarthy (McCarthy Canning Co.). Plea of nolo contendere. Fine, \$250. (F. D. C. No. 29603. Sample No. 65515-K.)

INFORMATION FILED: September 8, 1950, Southern District of Indiana, against Charles F. McCarthy, trading as the McCarthy Canning Co., Summitville, Ind.

ALLEGED SHIPMENT: On or about February 13, 1950, from the State of Indiana into the State of Illinois.

LABEL, IN PART: (Can) "Hy-Top Tomatoes * * * Packed for Goldblatt Bros., Inc. Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of vinegar fly eggs and maggots, and of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: November 10, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$250.